

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

JOHN CHEN,

Plaintiff,

v.

GOVERNOR OF THE STATE OF NEW
YORK, et al.,

Defendants.

Civil Action

No. 23cv2412 (EP) (CLW)

OPINION

PADIN, District Judge.

John Chen, a prisoner presently incarcerated in the Essex County Jail, New Jersey, has submitted a complaint under 42 U.S.C. § 1983. D.E. 1. The Court administratively terminated the complaint as Plaintiff had not paid the filing fee or submitted an application to proceed *in forma pauperis*. D.E. 4.

On May 22, 2023, Plaintiff submitted an *in forma pauperis* application with the docket number for this civil action, 23cv2412, but listed the Defendant as the “Governor of New Jersey.” D.E. 5. Plaintiff wrote to the court stating that its caption naming the “Governor of New York” was incorrect. D.E. 6.


The Court received two complaints from Plaintiff. This action, Civil Action 23cv2412, named the “Governor of the State of New York” as a defendant and made allegations about a radio Plaintiff had purchased from the commissary at the Essex County Jail. D.E. 1 at 2. Plaintiff also has a separate complaint naming “the Governor of the State of New Jersey” as a defendant filed

as Civil Action 23cv2109. That complaint makes allegations about Plaintiff's medical care at the Essex County Jail.

The submitted *in forma pauperis* application names the Governor of New Jersey as a defendant and describes Plaintiff's claim as "I was cancelled by Essex County Jail 3 different occasions to see an outside specialist Ophthalmologist due to lack of staff or transportation." D.E. 5 at 2. Based on the information in the *in forma pauperis* application and Plaintiff's letter, the Court infers that he intended this application to be filed in Civil Action 23cv2109. The Court will order the Clerk to refile the application in that matter for the Court's review under Civil Action 23cv2109.

A separate filing fee or *in forma pauperis* application is required for each civil action a plaintiff seeks to file. Plaintiff must either pay the filing fee or submit another *in forma pauperis* application if he wishes to continue with Civil Action 23cv2412 regarding his claims about his radio and tablet. An appropriate Order follows.

6/1/2023
Date


Evelyn Padin, U.S.D.J.